

1-1 By: Farabee (Senate Sponsor - Madla) H.B. No. 370
1-2 (In the Senate - Received from the House April 25, 2005;
1-3 April 26, 2005, read first time and referred to Committee on
1-4 Transportation and Homeland Security; May 20, 2005, reported
1-5 favorably by the following vote: Yeas 8, Nays 0; May 20, 2005, sent
1-6 to printer.)

1-7 A BILL TO BE ENTITLED
1-8 AN ACT

1-9 relating to deferred disposition of certain traffic offenses by
1-10 certain holders of out-of-state driver's licenses.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Subsections (b) and (c), Article 45.0511, Code
1-13 of Criminal Procedure, are amended to read as follows:

1-14 (b) The judge shall require the defendant to successfully
1-15 complete a driving safety course approved by the Texas Education
1-16 Agency or a course under the motorcycle operator training and
1-17 safety program approved by the designated state agency under
1-18 Chapter 662, Transportation Code, if:

1-19 (1) the defendant elects driving safety course or
1-20 motorcycle operator training course dismissal under this article;

1-21 (2) the defendant:

1-22 (A) has not completed an approved driving safety
1-23 course or motorcycle operator training course, as appropriate,
1-24 within the 12 months preceding the date of the offense; or

1-25 (B) does not have a valid Texas driver's license
1-26 or permit, is a member of the United States military forces serving
1-27 on active duty, and has not completed a driving safety course or
1-28 motorcycle operator training course, as appropriate, in another
1-29 state within the 12 months preceding the date of the offense;

1-30 (3) the defendant enters a plea under Article 45.021
1-31 in person or in writing of no contest or guilty on or before the
1-32 answer date on the notice to appear and:

1-33 (A) presents in person or by counsel to the court
1-34 a request to take a course; or

1-35 (B) sends to the court by certified mail, return
1-36 receipt requested, postmarked on or before the answer date on the
1-37 notice to appear, a written request to take a course;

1-38 (4) the defendant:

1-39 (A) has a valid Texas driver's license or permit;
1-40 or

1-41 (B) is a member of the United States military
1-42 forces serving on active duty;

1-43 (5) the defendant is charged with an offense to which
1-44 this article applies, other than speeding 25 miles per hour or more
1-45 over the posted speed limit; and

1-46 (6) the defendant provides evidence of financial
1-47 responsibility as required by Chapter 601, Transportation Code.

1-48 (c) The court shall enter judgment on the defendant's plea
1-49 of no contest or guilty at the time the plea is made, defer
1-50 imposition of the judgment, and allow the defendant 90 days to
1-51 successfully complete the approved driving safety course or
1-52 motorcycle operator training course and present to the court:

1-53 (1) a uniform certificate of completion of the driving
1-54 safety course or a verification of completion of the motorcycle
1-55 operator training course;

1-56 (2) the defendant's driving record as maintained by
1-57 the Department of Public Safety, if any, showing that the defendant
1-58 had not completed an approved driving safety course or motorcycle
1-59 operator training course, as applicable, within the 12 months
1-60 preceding the date of the offense; ~~and~~

1-61 (3) an affidavit stating that the defendant was not
1-62 taking a driving safety course or motorcycle operator training
1-63 course, as applicable, under this article on the date the request to
1-64 take the course was made and had not completed such a course that is

2-1 not shown on the defendant's driving record within the 12 months
2-2 preceding the date of the offense; and

2-3 (4) if the defendant does not have a valid Texas
2-4 driver's license or permit and is a member of the United States
2-5 military forces serving on active duty, an affidavit stating that
2-6 the defendant was not taking a driving safety course or motorcycle
2-7 operator training course, as appropriate, in another state on the
2-8 date the request to take the course was made and had not completed
2-9 such a course within the 12 months preceding the date of the
2-10 offense.

2-11 SECTION 2. This Act takes effect September 1, 2005.

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